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09/893,399	06/29/2001	Masatoshi Arishiro	018976-199	6008

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EXAMINER

HARAN, JOHN T

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 12/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/893,399

Applicant(s)

ARISHIRO ET AL.

Examiner

John T. Haran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7/30/03.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *translation JP references*.

### **DETAILED ACTION**

1. This office action is in response to the amendment filed on 11/5/03.

#### ***Drawings***

2. The amendment to Figure 1 was received on 11/5/03. These drawings are accepted.

#### ***Claim Objections***

3. Claims 1, 3, and 5-9 are objected to because of the following informalities: in claims 1, 5, and 6, "a processor unit adapted receive" should read - - a processor unit adapted to receive - -. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 7-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not appear to provide support for the limitation that "the rack moves substantially entirely along a single axis". Requiring that the rack move only along a single axis is new matter. Paragraph 0068 refers to Figure 9 and states that the

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rack is raised or lowered as indicated by the arrow, which provides support for movement along an axis, but does not positively exclude the rack move along another axis. As illustrated in Figure 7, the rack contains two columns of trays and it is conceivable for the rack to be moved vertically to a predetermined height and then horizontally to line the column with the tray to the tray drawer device. One skilled in the art would not have reasonably understood applicant to have possession of the rack moving entirely along a single axis at the time the application was filed.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 04-239604 in view of JP 10-321457 and Baccini (U.S. Patent 6,109,323).

JP 04-239604 is directed to an apparatus for manufacturing laminated ceramic electronic components wherein the laminated ceramic components are formed by laminating a plurality of different ceramic green sheets. The apparatus comprises a sheet supplier comprising a plurality of trays, each tray holding a plurality of ceramic green sheets of the same type and each tray holding a different type of ceramic green sheet from other trays; a laminator for laminating a plurality of ceramic green sheets supplied from the sheet supplier; and a conveyor device for picking up single ceramic

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green sheets from the trays and conveying the ceramic green sheets to the laminator in a predetermined order (See English abstract and Figures 1 and 4).

JP 04-239604 is silent towards having a vertical rack for aligning the trays and a tray drawer device for drawing the trays from the vertical rack. However, it is well known and conventional in the ceramic art to store ceramic green sheets in a vertical magazine rack and remove single ceramic green sheets from the slots of the magazine in a predetermined order and convey them to a lamination station, as shown for example in JP 10-321457 (See Figure 5 and paragraph 0014 of computer translation). One skilled in the art would have readily appreciated that the trays of JP 04-239604 need to be stored somewhere and that it would be practical to have a vertical rack for storing and aligning the trays as is conventional in the art and consequently a tray drawer device for drawing the tray from the rack so the conveyor device can pick up the ceramic green sheets. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a vertical rack for aligning and storing the trays and a tray drawer device for drawing the trays from the rack so the conveyor device can pick up the individual ceramic green sheets in the apparatus of JP 04-239604, as suggested in JP 10-321457.

JP 04-239604 teaches laminating the ceramic green sheets in a prescribed sequence but is silent towards there being a processor unit adapted to receive data concerning at least a type, an order in lamination, and a quantity of ceramic green sheets necessary for a laminate. However, it is well known and conventional to have fully automated systems for laminating ceramic green sheets in a predetermined order,

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as shown for example in Baccini (Column 2, lines 31-34). Baccini teaches having storage codes or identification plaques on the pallets (trays) for cooperating with code readers in providing correct organization from the automated system (Column 2, lines 60-64). One skilled in the art would have readily appreciated the code readers of the automated system are linked to a processor unit adapted for receiving pertinent information such as the quantity, type, and order of the ceramic green sheets in order for the automated system to stack the ceramic green sheets in the correct order. It would have been obvious to have an automated system with a processor unit adapted to receive data concerning at least a type, an order in lamination, and a quantity of ceramic green sheets necessary for a laminate, as is well known and conventional, in the apparatus of JP 04-239604, as suggested in Baccini.

One skilled in the art would have readily appreciated that either the tray drawing device needs to be movable to remove each tray from the magazine or the vertical rack must be movable to position each tray adjacent the withdrawal slider means. The two options are alternative expedients and are obvious one over the other in the absence of unexpected results. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a drive for driving the vertical rack to be raised and lowered in a vertical direction to position the trays at a predetermined height for removal by the tray drawing device in the apparatus of JP 04-239604.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a vertical rack for aligning and storing the trays and a tray drawer device for drawing the trays from the rack so the conveyor device can pick

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up the individual ceramic green sheets in the apparatus of JP 04-239604, as suggested in JP 10-321457; to have an automated system with a processor unit adapted to receive data concerning at least a type, an order in lamination, and a quantity of ceramic green sheets necessary for a laminate, as is well known and conventional, in the apparatus of JP 04-239604, as suggested in Baccini; and to include a drive for driving the vertical rack to be raised and lowered in a vertical direction to position the trays at a predetermined height for removal by the tray drawing device in the apparatus of JP 04-239604.

Regarding claim 3, JP 04-239604 teaches stacking ceramic green sheets of the same type in the trays and removing the top ceramic green sheet with a chucking device (See English abstract and Figure 1).

Regarding claim 5, JP 04-239604 teaches having a separate tray for each type of ceramic green sheet.

Regarding claim 6, JP 04-239604 teaches having a plurality of ceramic green sheets in each tray.

Regarding claims 7-9, one skilled in the art would have readily appreciated that the movement of the rack would depend upon the configuration of the rack. One skilled in the art would have readily appreciated that racks with a single column of slots for trays such as the one taught in Baccini would only need to be moved along the vertical axis. Additionally in racks with more than one column such as in JP 10-321457, one skilled in the art would have readily appreciated that there exists numerous ways of aligning the trays with the tray drawer device including moving the rack along the

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vertical axis and the tray drawer device along the horizontal axis. It would have been within the purview of one skilled in the art to determine the most efficient configuration of the rack and movement of the rack to align the trays with the tray drawer device.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1, 3, and 5-9 have been considered but are moot in view of the new ground(s) of rejection.

It is noted that Applicant did not address the statement made in the previous office action and repeated above that one skilled in the art would have readily appreciated that either the tray drawing device needs to be movable to remove each tray from the magazine or the vertical rack must be movable to position each tray adjacent the withdrawal slider means. The two options are alternative expedients and are obvious one over the other in the absence of unexpected results. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a drive for driving the vertical rack to be raised and lowered in a vertical direction to position the trays at a predetermined height for removal by the tray drawing device in the apparatus of JP 04-239604. Since Applicant did not address this position, Applicant is considered to have acquiesced that moving the drawing device relative to the rack and moving the rack relative to the drawing device are alternate expedients obvious over one another.

JP 04-239604 teaches laminating the ceramic green sheets in a prescribed sequence but is silent towards there being a processor unit adapted to receive data concerning at least a type, an order in lamination; and a quantity of ceramic green



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sheets necessary for a laminate. However, it is well known and conventional to have fully automated systems for laminating ceramic green sheets in a predetermined order, as shown for example in Baccini (Column 2, lines 31-34). Baccini teaches having storage codes or identification plaques on the pallets (trays) for cooperating with code readers in providing correct organization from the automated system (Column 2, lines 60-64). One skilled in the art would have readily appreciated the code readers of the automated system are linked to a processor unit adapted for receiving pertinent information such as the quantity, type, and order of the ceramic green sheets in order for the automated system to stack the ceramic green sheets in the correct order. It would have been obvious to have an automated system with a processor unit adapted to receive data concerning at least a type, an order in lamination, and a quantity of ceramic green sheets necessary for a laminate, as is well known and conventional, in the apparatus of JP 04-239604, as suggested in Baccini.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

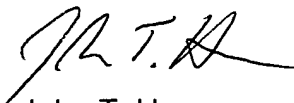
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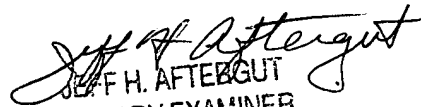
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(703) 305-0052 or (571) 272-1217 as of 12/1/9/03**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
John T. Haran

  
JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300